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HON. GARRETT DAVIS.

### Views Concerning the Proposed Removal of the National Capital.

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AN OFFICIAL LETTER.

PARIS, Oct. 26, 1869.

His Excellency John W. Stevenson, Governor of Kentucky.

I was honored in having been designated by you as a delegate from this Commonwealth to the convention which assembled in the city of St. Louis to consider the subject of the removal of the capital of the United States from the District of Columbia to some place in the valley of the Mississippi river. I attended that convention, and voted against such removal; but, as I did not publicly express the reasons and considerations which controlled me, I deem it proper to state them in a new paper letter to you, by which they may also be made known to the people of Kentucky.

ity were not already located in Washington city, I would be opposed to that location in favor of placing it somewhere in the great valley; but I regard it as fixed permanently in the District of Columbia, and condemn all attempts to take it away.

The Constitution of the United States forms a government of delegated powers; and only those which it expressly confers, or which spring up by necessary implication from its provisions, vest in that government.

That instrument provides that "Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by decision of particular States and the acceptance of Congress, become the seat of the Government of the United States." The power to fix the seat of government is not a general and continuing power, but is special, isolated, to be executed but once, though by two authors.

ties, and when both States and Congress have performed their respective parts the whole power is exhausted. It must be executed by the authorities and in the form prescribed by the Constitution. The honor and moral power of giving the state of the government of the United States does not appertain to a single State, but is to be shared by States—at least two; and the whole power cannot be executed by Congress any more than by States. Congress has no power to take action upon the

subject until States have ceded the necessary territory, and the entire power of Congress is *exclusively* for that purpose; and when they have ceded the territory, they cannot withdraw or alter the cession, and so when Congress has accepted them, it cannot repeat or modify that acceptance. No one will deny that the cession of states and the acceptance by Congress constitute any further action of the States, and the power over the subject then belongs *exclusively* to it; and it is equally true that the assen-

that power of interpretation, and *franchising* the power of extension, and *provision* of the Constitution, or people, and logic and force. Congress, to understand its action and the action of the States is necessary to perform; and yet this movement to protect Congress by its action, without the concurrence of Virginia and Maryland, but in utter disregard of them, to remove the seat of government from the District of Columbia into some distant State or States, without any session from them.

The men who made the Constitution do not intend that the locality of the capital should be a question, to be personally decided by their posterity, but that it should be decided by the people.

cupidity, sectional ambition, and party strife. They therefore provided for its location, one for all, by the concurrent action of State and Federal authority. They moved the seat of the government of the United States in such a way that it should be a permanent one, and they provided for its permanency that it cannot be put adrift with their concurrent action, and much less without it.

This question was settled soon after the adoption of the Constitution. Maryland, in 1787, ceded sixty square miles, and Virginia, in 1790, forty for the seat of the Government of the United States; and in 1790, Congress

gress accepted their sessions, organized the ceded territory into the District of Columbia and provided for the government being transferred to the Western Hemisphere in 1800. This act declared "that the district of Columbia on the river Potomac, at some place between the mouth of the Eastern branch and the Conococheague, be and the same is henceforth accepted for the permanent seat of the government of the United States;" and the territory so divided, was comprehended in the sessions of Maryland and Virginia. Many of the men who passed the act had been members of the convention which framed the Constitution.

and of the State conventions which adopted it. They knew the nature of the act they were doing, and they properly accepted the ceded territory or the permanent seat of the Government of the United States; and it was continue to be such until the Government removed to some other locality by an amendment to the Constitution or it is de facto violated to effect that removal.

I have heard of but one argument in support of the proposition to remove the Government of the United States to the city of New Orleans.

the Mississippi; and it would be the same to each of the States, and to the people of each of the States, to the territory of the United States, and to the people of that territory. The branch of the proposition is not an argument, or part of an argument; the answer is, if it is true.

It has been attempted to erry the author of Mr. Madison and Senator Benton in favor of this continued proposition of equality as a popular co-terminance, but their passion on this matter, when examined, will be found giving no support to the remark, in the record of the votes of the Senate.

What Mr. Madison said on the subject, was in the House of Representatives, during the debate which resulted in fixing the seat of Government in the District of Columbia. There were but two competing locations—first, one on the Potomac, the boundary between Virginia and Maryland; the other on the east side of the river Susquehanna which is the dividing line between Pennsylvania and Maryland. Both were very wide from the geographical center of the United States, and neither was the center of their population. Mr. Madison, at the first of these times, was an earnest advocate of the Potomac location. That was something nearest to the general

cal center, but farther from the center of population. That a place is at or near the geographical center is an argument without force or pertinence on the question of locating the seat of government; that involved in the center of population may have much or very little force, according to all the circumstances. Neither were regarded by Congress, when established the seat of government in the District of Columbia in the year 1790. Washington City is on the 38th parallel of longitude west from Greenwich. The position of the United States east of that parallel travels along the Northeastern Atlantic coast to a point on the 67th parallel of longitude

comprehending New England in the form of a long, narrow, sterile and cold corner; while the territory west of the parallel of Washington City, extended through fifteen degrees to the 92d parallel west from Greenwich, and had a base on our western boundary of 22 deg., or 1,512 miles, and a height of 100 miles parallel to the north latitude. More than four times as much territory of the United States was included of the meridian of Washington City, and the distance from it to the lake boundary in the North was more than four times the distance to the Atlantic boundary on the South.

The capital was thus geographically located when it was certain that the increase of population would be in the country west of the meridian of Washington, that many years would not elapse before the location would be as far from the center of the population as it was of territory. National statistics of the Government could then establish its seat there.

This was before the era of electrification, of telegraphs, of railroads, of steamships, of mechanized road travel, of automobiles, of mud highways, and lateral transportation facilities by posthorses, wagons, and flat bed keels and boats. Now the interchange of intelligence and goods from the remotest corners of the States to every other city is launched upon the

Salnavé, the negro tyrant of Hayti, is said, has applied to Commodore Phillips of the British ship, "The Vessel to enable him to leave Hayti and proceed to Jamaica. In reply the Commodore stated that a vessel would be placed at his disposal in a few days. This news, we presume, is true, and we hope next to hear that the pugnacious darkey Salnavé has cleared out, bag and baggage, and that next the poor negroes of Hayti will have a little peace. — *N. Y. Herald.*

With a creak mail train east did not cross until 4 r. m. We went up yesterday morning to look at it. The sinking has not been less than twenty feet in all, and on the upper (north) side a huge hillock has been formed by the clayey, mucky soil, by the upward pressure of the soft mass below. The hillock being cracked and seamed in every direction. It is a study for the geologist. We learn that where the bridge was built, piles of logs were driven in the soft soil to a depth of sixty-six feet. And yet the surface is so hard that cattle roam all over it. Trains now pass regularly, but the vibrations are disagreeable.

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